

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

When is a project exempt from environmental review?

Some projects, because of their small size or lack of potential for causing an impact on the environment, will not be subject to an environmental assessment and are classified as *exempt* from environmental review.

The law is very specific about which projects are exempt; examples include small projects such as of a single-family dwelling, a triplex, a minor addition to a commercial building, and signs. However, some projects which are usually exempted because of their size may nonetheless be subject to environmental review due to their location, e.g., within an earthquake hazard zone, adjacent to a stream, or an area affected by noise such as a railroad line, freeway or major street. The staff in the Development Services Center can advise you if your project is exempt from environmental review or not.

What happens when a project has the potential to have an environmental impact?

For projects *not* classified as exempt, an Initial Study is prepared. The Initial Study is most often undertaken by City staff as part of the project review process and is intended to determine whether or not the project may have a significant impact on the environment. For example, a large housing or commercial project may significantly impact traffic on City streets. Another example may be an apartment project in an earthquake hazard zone, in which case measures must be taken to insure the apartment is not built over an earthquake fault trace. Another example is a project on a former service station site where the ground may be contaminated with gasoline.

In order for City staff to prepare the Initial Study, you need to submit, fund and/or authorize the preparation of the necessary information to complete the study. This information may include traffic studies, hazardous materials

studies, geotechnical reports, biological studies and noise studies.

If the conclusion of the Initial Study is that your project as *proposed* will not have a significant impact on the environment, a Negative Declaration is prepared and posted for public review for 20 to 30 days before the approving authority may act on your project. Persons who own and/or occupy property near your project will also have an opportunity to review the Negative Declaration for the purpose of commenting on its adequacy.

If the Initial Study shows that the project could result in a significant impact on the environment, but that the project can be modified or conditions can be placed on the project to mitigate the identified impacts, then a Mitigated Negative Declaration will be prepared with the same notice requirements.

What steps are taken when a project is identified as having a significant impact on the environment?

In the results of the Initial Study indicate that your project *may* or will have a significant impact on the environment, an Environmental Impact Report, or EIR, will be required. If your project requires an EIR, please discuss the review process with a planner.

Who approves environmental documents?

A Negative Declaration may be approved by the City staff if the project itself allows for staff approval. If a project requires approval by the Planning Commission or City Council, then the Negative Declaration is adopted by that body. If an EIR has been prepared, the adequacy of the EIR is certified by the hearing body which is the approving authority for your project.

How much does Fremont Staff environmental review cost?

The cost of an environmental review reflects the cost of staff time (charges per hour) and of consultant time if consultant services are engaged to prepare studies as well as the cost of materials, making reproductions, postage for sending notices and so on.

The project applicant is required to make an initial deposit of \$2,500. Costs exceeding the deposit will be periodically billed during the review process. For medium to large projects, or projects requiring mitigation, it is likely additional costs will be accrued above the initial deposit during project review.

The initial deposit does not cover any additional costs for outside reports. The cost of any reports prepared by outside consultants, such as traffic reports, is paid directly by the project applicant before the work is undertaken. The same is true of the cost of preparing an EIR when one is required.

How much do Notice of Determination Filings cost?

Once a Negative Declaration, Mitigated Negative Declaration or an EIR is adopted or certified the action is filed with the Alameda County Clerk as a Notice of Determination (NOD). As part of NOD filing the County Clerk receives payment of state required fees for the Department of Fish and Game. As of 1/1/2010 the cost for filing the NOD is \$2,010.25 for a Negative Declaration and \$2,792.25 for an EIR. An additional \$50.00 is required for any filing with the County Clerk. If the applicant does not pay the appropriate fee, by state law the project is not considered operative or finally vested. Occasionally, the Department of Fish and Game may waive payment of fees for projects where there is no possibility of impact. Please discuss this process with a planner early in your review process to see if you qualify.

Can I get additional information?

If you need additional information or if you have questions, please call (510) 494-44



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Purpose: Environmental impact assessment is intended to assure a complete understanding of the likely effects upon the environment of a proposed development project and to identify measures to minimize or compensate for any impacts which are expected. The three major documents in the environmental review process are:

- An **initial study** is the preliminary analysis prepared by staff to determine whether a negative declaration or an environmental impact report should be prepared;
- A **negative declaration** is a document which states the project will not have, or can, based on available information be prevented from having, a significant adverse impact on the environment; and
- An **environmental impact report (EIR)** is a detailed report on the estimated significant avoidable and unavoidable environmental impacts of the project.

Code/Regulations Reference: California Public Resources Code, beginning with Section 21000; implementing regulations adopted by the Office of Planning and Research (*CEQA: California Environmental Quality Act, Statutes and Guidelines 2002*); City Council Resolution No. 8039, adopted February 12, 1991; City Council Resolution No. 6888, adopted October 28, 1986.

I understand that my environmental review may be delayed if required materials are missing from the submittal package.

Project Applicant

Date

Submittal Requirements:

Most environmental impact assessments are done in conjunction with a request for land use or site plan approval. In such cases, see the information sheet for the underlying project approval for all submittal requirements.

This information sheet should only be used when EIAs are submitted separately from such an application, or only with a request for site plan and/or architectural approval. The staff person who provides it to you will complete the following pages if that is the case.

NOTE:

- Indicates an item which is always required.
- Indicates an item which may be required, depending on the project. The staff person who provides you this sheet will check (✓) the box if the item is required for your application.

□ 1. An application for site plan and/or architectural approval. (See Information Sheet regarding Building Permit with Site Plan and Architectural Review, Findings or Historical Architectural Review Board for details.)

■ 2. A completed application form including:

Part I: Project information and the current property owner(s) signature authorizing the project proposal.

Part II Reimbursement Agreement with signature of the billing party acknowledging responsibility for charges.

Part III: A list of all consultants proposed to be involved with the project, or a statement that none are proposed to be involved.

Part IV: A statement signed by the applicant indicating whether the project site is found on the Hazardous Waste and Substances Sites List pursuant to California Government Code Section 65962.5.

Part V: Development Statistics

■ 3. A completed Environmental Information Form (attached).

■ 4. Plans including the following items:

■ a. Vicinity map showing a one-half mile radius of the site.

■ b. Accurately dimensioned site plan showing:

(1) Property lines.

(2) Location, configuration and setbacks of all existing and proposed buildings and intended uses for the buildings and site, including occupancy classification and type of construction as defined in the Building Code.

(3) Parking, vehicle circulation areas and driveways.

- (4) Pedestrian ways and recreation areas, existing and proposed.
 - (5) Development Reserve Boundary, Toe-of-the-Hill and Ridgeline, where applicable.
 - (6) Fencing.
 - (7) Easements on the property.
 - (8) Fire hydrants within 300 feet of the project site.
 - (9) All land uses surrounding the project site.
- ☐ c. Tree survey plan showing location, species, caliper and base elevations of all existing trees with a trunk diameter of four inches or greater measured four feet above grade. Groves may be shown in an outline.
- ☐ 5. Two copies of a current preliminary title report for projects that involve construction of a new building or expansion of an existing building footprint and/or new site improvements such as landscaping, special paving, utilities and accessory structures.
 - 6. The number of plans required to be submitted with the application are:
 - a. Ten (10) sets of full-sized plans (collated and folded to a size NO LARGER THAN 8" x 13").
 - b. One (1) set of the plans reduced to 11" x 17", collated and folded to 8 ½" x 11".

NOTE: Full-sized plans submitted should be no larger than 30" x 42".

- 7. Eight copies of a statement of proposed operations. The statement shall be prepared as a letter separate from the application forms. This statement shall include a description of the proposal, a detailed description of the activities proposed under this project, and if applicable, the hours and days of operation.
- ☐ 8. If a proposed industrial or commercial project is located adjacent to residential uses, a sound study may be required. If a proposed residential project is located adjacent to a major transportation corridor (i.e., freeway, parkway or arterial) or other source of a noise level (Ldn) greater than 60 decibels (dBA), a sound study will definitely be required. The staff planner reviewing the proposal will notify the applicant if a sound study is needed and will arrange for it. If a sound study is required, a consultant will be employed by the City to perform it at the applicant's expense. The study must be completed at least 30 days before the project can be approved.
- ☐ 9. If the project is located within a geologic hazard zone or on unstable soils a geotechnical study will be required. If a geotechnical study is required, it must be prepared by a registered engineer employed by the applicant and reviewed by the City's consultant at

the applicant's expense. The study must be submitted to the City at least 30 days before the project can be approved.

- 10. Two complete copies of the Impervious Surfaces Form (<http://fremont.gov/ISF>).

Incomplete Applications: An application is considered to be incomplete if any of the items checked on this information sheet have not been included. Processing of the application will be delayed until the submittal is determined to be complete.

Hearing Notification: The City will notify all property owners, as well as business and residential tenants, within the appropriate radius of your project site. Most projects require a 300-foot radius, while some require 1,000-feet based on the sensitivity of the project and the level of community input anticipated or required.

As with all other costs, you will be billed for staff time to research, create and label the required postcards. If the public hearing is delayed for an extended period of time after notices for your project have been mailed, you will be charged the cost to re-mail postcards.

Schedule Time Line: When staff determines environmental impact assessment is required, the EIA application should be submitted at the same time as the underlying application for site plan and/or architectural approval. Most EIAs result in the preparation of a Negative Declaration or Mitigated Negative Declaration, however in some instances an EIR is required. While preparation of a Negative Declaration may occur concurrently with the processing of the underlying project, the project cannot be approved without first having completed the environmental review and the subsequent public notice review period. Once the environmental analysis is completed, small projects typically provide for a 20 day public review period and medium to large projects typically provide for a 30 day public review period. Consult with a planner for general guidelines on the length of the process. The schedule for final project approval or hearing date is made by the planner once the project application submittal has been deemed complete and the environmental review requirements have been met.

Fees: The minimum deposit for your application is _____ and is due at the time of the submittal. The actual charge will be based on staff time required to process the application, including any appeal. Progress billings will be invoiced during the review of the project if charges exceed the minimum deposit. A refund will be invoiced at the completion of the project review if excess funds have been paid. If an environmental impact report (EIR), sound, geotechnical or other studies, are required, the applicant will be contacted regarding the cost of the consultant fee and study administration.

Additionally, before project approval is final, State filing fees must be paid pursuant to California Fish and Game Code Section 711.4.

Requirements described on this sheet are subject to change. If you need additional information or clarification to prepare your submittal please contact the staff person who furnished you this sheet for further assistance.

Information sheet furnished by: _____ Phone: (510) 494-_____

for proposal: _____

_____ Date: _____



ENVIRONMENTAL INFORMATION

The following information is required to be submitted with a planning or development application to ascertain the level and type of environmental review that will be needed to support your project. This form may also be submitted with a Planning Application form to commence environmental studies on a project site to inform the overall project design.

Project Name: _____

Brief Project Description:

Have any studies or site investigations been performed for the property? No___ If yes, please attach a copy of each study and list the title of each study here:

Note: The City of Fremont recognizes that in the course of due diligence or project development that an applicant may obtain or commission studies for a property.

The City will typically accept the following studies, subject to in-house peer review: An arborist report, tree survey and Environmental Phase I report.

For all other studies, e.g., biological, traffic, noise, vibration etc. the City strongly recommends that consultants be hired and coordinated by City staff to ensure the study scope is adequate and to avoid additional costs associated with subsequent peer review by City-hired consultants.

Please describe what, if any, known constraints exist on the site or are adjacent to the site. Also describe any constraints attributable to the proposed use on the site and in relation to its surroundings.

1. Project Site and Surrounding Land Uses:

- a. Site size (acres): _____
- b. Total square footage of all existing buildings: _____
- c. Total square footage of all buildings to be removed: _____
- d. Total square footage of all proposed buildings: _____
- e. Describe the project site as it exists before the project:

- f. Does the project area include any off site improvements or staging areas, i.e. storage, roadway improvements or utility extensions? No___ If yes, please describe type and location:

- g. Describe the surrounding properties (type of land use e.g., single family residential, gas station, warehouse, park, etc.):
North: _____
East: _____
South: _____
West: _____

2. Biological (Plant and Animal Life)

- a. Does the site contain any trees? Yes___ No ___ If yes, briefly describe the number and type. Attach a tree survey and or arborist report if one is available.

- b. Does the site contain any wildlife breeding, nesting or feeding areas? Yes___No___ Unknown___ If yes or no, please provide your justification:

- c. Does the site contain any known endangered animal or plant species habitats? Yes___No___ Unknown___ If yes or no, please provide your justification:

- d. Does the site contain or is it near (within 300 feet) any watercourse such as a stream, flood control drainageway, ditch or swale, flowing either annually or seasonally? No___ If yes, please describe:

- e. Does the site contain or is it within 300 feet of any permanent or seasonal wetlands? No__ If yes, please describe:

3. Cultural:

- a. Are there any known graves or burial sites on the property? Yes__ No__
- b. Is the property on a Fremont, State or National Historic Register? No__ If yes, please identify which list(s) here: _____
- c. Does the property contain any buildings 50 years or older? Yes__ No__
If yes, please attach either a Request for Historic Evaluation form or any prior historic evaluation work (e.g., a DPR form) that has been prepared.

4. Earth - Soils and Topography:

- a. Briefly describe any grading or topographic changes needed to carry out the project:
- _____
- _____
- b. Does the site have a slope of 10% or more? No__ If yes, approximate % slope __
- c. Will grading involve more than 1,000 yards of cut and fill combined? No__ If yes, approximate total cubic yards _____ and depth of excavation_____. Please describe the probable disposition of the cut and fill of the project, i.e. import or export? _____

5. Hazards and Hazardous Materials:

- a. Is any part of this property within a study zone as identified by the California Geological Survey? Consult the California Department of Conservation website for information at www.conservation.ca.gov No __ If yes, note which of the following apply:
____ Hayward Fault (Alquist-Priolo zone)
____ Liquefaction zone
____ Landslide zone
____ Other site specific hazards, please specify: _____
- b. Is the subject site in the Wildfire Hazard Zone? No__ Yes____
- c. Is the property on the Hazardous Waste and Substances Site List produced by the State of California? Consult list on City web site or Permit Counter. No__ Yes__
- d. Does the site contain any underground storage tanks? No __ Yes __
- e. Have pesticides been used for agricultural or landscape activities? No __ Yes __
- f. Will end users store or work with hazardous or potentially hazardous materials? No__ Unknown at this time ____ If, yes, please specify:

- g. Will the users generate any by-products that require on-site treatment or processing prior to disposal? No ___ Unknown at this time ___ If yes, please describe:

6. Hydrology and Water Quality:

- a. Does the site contain any active or abandoned wells? No ___ Yes ___
b. Is the site within a flood plain? No ___ Yes ___

7. Noise, Vibration, Glare and Odors:

- a. Is the project site within:
120 feet of a rail line or BART? Yes ___ No ___
500 feet of an at-grade rail crossing? Yes ___ No ___
500 feet of a freeway, highway or other heavily traveled roadway? Yes ___ No ___
Near any other noise or vibration source (e.g., industrial or commercial process)?
No ___ If yes, specify source:

- b. Will the project or end user be a source of noise or vibration (e.g., industrial or commercial process)? No ___ Unknown at this time ___ or if yes, specify source:

- c. Will the project contain larger surface areas of reflective materials such as glass or metal? No ___ If yes, please specify material and usage:

- d. Will the project or end user generate odors? No ___ If yes, please describe:

8. Transportation and Circulation:

- a. Will the number of vehicular access points for the site increase, remain the same or decrease as a result of the proposed project? _____
b. Are any drive-through facilities proposed as part of this project? Yes ___ No ___
c. Are any off-site improvements (e.g., traffic signal, turn lanes, and/or road improvements) needed to serve the project? No ___ If yes, please describe the improvements:

- d. Is the project frontage improved with curb, gutter and sidewalk? Yes ___ If not, describe which improvements are missing.

- e. Are there any nearby pathways, trails, bike lanes, or bus stops? No ____ If yes, please describe what exists and approximate distance from site:

9. Other Comments or information you would like to provide:

Certification:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature

Print Name

Date